

Attorney Docket No.: FMCE-P035A

Remarks

Reconsideration of the above-identified application is respectfully requested.

The Examiner has objected to the specification as not including the current status of the parent application. The specification has accordingly been amended to update the parent application data.

The Examiner has objected to claims 1, 5 and 10 because, in the Examiner's opinion, line 1 of claim 18 should be written as ". . . which allows communication between the annulus passageway and a portion of the central bore . . ." In addition, the Examiner notes that the term "isolation means" in line 1 of claims 5 and 10 should be changed to "the isolation means."

In response to the Examiner's objections, the relevant portion of claim 1 has been amended to read ". . . which provides for communication between the annulus passageway and a portion of the central bore . . ." Also, line 1 of claims 5 and 10 has been amended as suggested by the Examiner. In light of these amendments, applicants submit that the Examiner's objections to claims 1, 5 and 10 have been overcome.

The Examiner has objected to claims 4 and 9 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of their respective base claims. In particular, the Examiner believes that the "means for isolating the central bore from the second end of the annulus port" which is recited in claims 4 and 9 is equivalent to the "first set of BOP rams"

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which is recited in claims 3 and 8 (which the Examiner mistakenly refers to as the "first BOP").

However, the "isolating means" recited in claims 4 and 9 is not the same as the first set of BOP rams recited in claims 3 and 8. In the context of claims 3 and 8, the first set of BOP rams comprises the BOP rams which engage the tubing hanger running tool ("THRT") above the second end of the annulus port (such as BOP rams 170 of Figure 4). In contrast, the specification states that the isolating means can comprise the lower BOP rams 172 of Figure 4, the seal 994 of Figure 21, or the seal 996 of Figure 22 (page 43, lines 3-13). Therefore, applicants respectfully submit that the Examiner's objection to claims 4 and 9 under 37 CFR 1.75(c) should be withdrawn.

Claims 1-4 stand rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 2 of parent U.S. Patent No. 6,612,368 (the "368 Patent"). Claim 1 has accordingly been amended to delete the "wellhead" and "closure member" limitations which also appear in claim 1 of the '368 Patent. This amendment is sufficient to overcome the statutory double patenting rejection because claims 1-4 can now be literally infringed by a device which does not infringe claims 1 and 2 of the '368 Patent (see MPEP 804 II.A.) For example, claim 1 would be literally infringed by a basic flow completion system which does not require a closure member in the production bore above the production passageway. However, such a flow completion system would not literally infringe claim 1 of the '368 Patent. Therefore, claims 1-4 are patentable under 35 U.S.C. 101 over claims 1 and 2 of the '368 Patent.

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Claims 5 and 7-10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of the '368 Patent. A terminal disclaimer is submitted herewith in order to obviate this rejection.

The Examiner has stated that claims 6 and 11 would be allowable if they are rewritten in independent form to include the limitations of their base and intervening claims. However, these claims depend from claims 1 and 7, which applicants submit are allowable. Therefore, applicants submit that claims 6 and 11 do not need to be rewritten.

In light of the foregoing, claims 1-11 are submitted as allowable.
Favorable action is solicited.

Respectfully submitted,



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